

REMARKS

The drawings have been amended to address the objection under 37 CFR 1.83(a). The specification has been amended to conform to changes made in the drawings. No new matter has been entered by any of the foregoing amendments.

The allowance of claims 20-29 and 39-61, and the indicated allowability of claims 12-19 and 31-38 are noted, with thanks. However, it is believed that all of the claims, as amended, are allowable over the art.

The rejection of claims 11 and 30 as being obvious from McCormick '671 in view of GB '988 is in error.

In rejecting the claims as obvious from McCormick in view of GB '988, the Examiner acknowledges the primary reference McCormick fails to teach a tissue specimen cassette having a bottom removable along perforations in the side walls as required by Applicants' claimed invention. However, the Examiner takes the position that this missing teaching is supplied by GB '988.

GB '988 is concerned with a security container, and more particularly to a pilfer-proof lidded container, i.e., to prevent tampering or unauthorized opening of the container. The tear strip is removed along a line of weakness 14 leaving the container and the container top intact. Even after removal of the tear strip the container shown in GB '988 still has its lid in place. The container may then be opened by removing the lid, or closed by putting the lid back in place.

Applicants' cassette as defined by claims 11 and 30 requires that both side and bottom walls are removable along the tear line in the side walls. In the case of Applicants' claimed

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cassette once the tear string is pulled from the sidewall both the sidewall and the bottom detach. Thus, Applicants' claimed cassette is structurally and functionally different from the applied art, and no combination of the applied art reasonably could be said to achieve or render obvious claims 11 or 30.

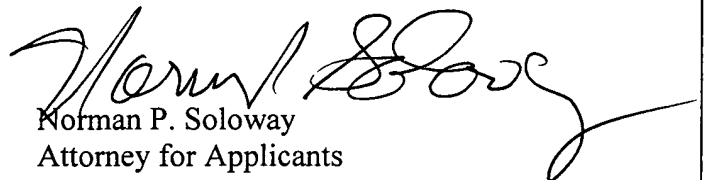
Moreover, combining McCormick and GB '988 as suggested by the Examiner still would not achieve Applicants' invention as defined by claims 11 and 30. Applicants' claims 11 and 30 require "a perforated bottom wall and bottom portion snap or friction mounted to the top portion". In GB '988 the lid is snap fitted to the wall.

Quite apart from the foregoing, it is submitted that the Examiner is applying impermissible hindsight and is applying the teachings of the present invention to the prior art to make out a case for obviousness. The Federal Circuit has stated that if a proposed modification to a prior art invention makes it unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed Cir. 1984). MPEP 2143.01.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,


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Serial No. 10/029,658
Docket No. VMS 01.01
Amendment C

CERTIFICATE OF MAILING

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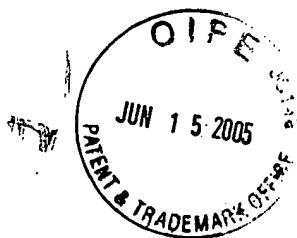
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AMENDMENTS TO THE DRAWINGS:

Figure 5a has been added. An entire set of replacement drawings is being submitted for the convenience of the Examiner.

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REPLACEMENT FIGS. 1-8

(Submitted with Amendment C)



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NEW FIGURE 5A

(Submitted with Amendment C)